

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GABRIEL G. H. MIDALGO,

Plaintiff,

v.

SERGEANT MORSE, et al.,

Defendants.

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DECISION & ORDER

06-CV-6572L

Plaintiff in the above-captioned matter having filed a motion to compel on September 5, 2007, seeking the production of documents required by Rule 26 of the Federal Rules of Civil Procedure (Docket # 22), and defendants having shortly thereafter filed a "Rule 26 Disclosure" with the Clerk of the Court on September 19, 2007 (Docket ## 26, 27), it is hereby

ORDERED, that plaintiff's motion to compel (**Docket # 22**) is **DENIED as MOOT.**

**IT IS SO ORDERED.**

s/Marian W. Payson

MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
September 24, 2007